

Let me tell you how important that is. 417-0, the House came together and said we are not going to execute a pregnant woman. Why? Does that infringe on *Roe v. Wade*? No. I think there would be riots in the streets in this country, from pro-choice and pro-life people, if a pregnant woman was executed, because nothing good is served. No public policy is advanced by taking that unborn child's life. We have not helped anybody. We have done a bad thing, not a good thing.

So let us come together and do a good thing. Let us put criminals in jail who assault pregnant women to the fullest extent of the law, no more, no less, and my bill does that.

The definition will withstand constitutional scrutiny. It is a matter of proof. The two-cell zygote defense is a red herring. It is the same definition the body voted on before. It is the burden of proof problem for every prosecutor. If you said you could be prosecuted after 6 weeks of pregnancy, you would have to prove that the pregnancy existed longer than 6 weeks. Prosecutors can do those things, and defense attorneys will have their objections.

This bill is well drafted. It makes a lot of common sense. It is not about the abortion debate; it is about America coming together protecting unborn life when we find consensus.

We should be looking for consensus, from adoption to this bill, to partial-birth abortion, to bring life into the world where we can. And when we have these debates about a woman's right to choose, I honor your right to disagree with me, but that is not today. Today is about bringing the country together, this body together, to put people in jail that deserve to go.

As to the question does this really happen, let me tell you, it happens more than I thought it did. When I was a prosecutor in the Air Force, we had a handful of cases of pregnant women being assaulted and losing their child. There was no statute to prosecute them for that. That was frustrating. If this bill passes, they will have those tools.

Timothy McVeigh will be in the news again soon, and I respect the view of the gentleman from New York (Mr. NADLER) on the death penalty. I disagree with that. But we will be reminded about Oklahoma City soon.

You may not know this, but three women in that building were pregnant. One of them was the wife of Michael Lenz. They had a sonogram of the baby, she is showing it to office workers. The next day she goes to work, the building is blown up, she is killed, and the baby is lost. Mr. Lenz came to Congress 2 years ago and told us, "That day will mark me for life, but that day I lost two things, not one. I lost the mother of my child, my wife, but I also lost Michael Lenz, III."

Without this bill, there is no recognition of him as being a victim of Oklahoma City. He should have been a vic-

tim, because he was wanted by the family and his life was taken away through an act of violence. That person should go to jail for that act of violence.

I will tell you later why the substitute does not get us to where we need to go. It is not the way the law is trending here.

But read the bill, think about what we are trying to do. And to those pro-choice Members of Congress who voted for this bill last year, thank you. Thank you for coming together and having a rational debate on how to protect the unborn without getting into the abortion debate. I want to thank you very much.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to let the author of this bill, the gentleman from South Carolina who just spoke, know that what he claimed as a red herring really is not a red herring at all. The threat to *Roe v. Wade* made in this bill cannot be made more clear because this bill contradicts the definition of who a person is by writing it the way they did.

The Court, in *Roe*, recognized the woman's right to have an abortion as a right protected by the 14th amendment. In considering the issue of whether a fetus is a person, the Court noted, "Except in narrowly defined situations, the unborn have never been recognized in law as persons in the whole sense," and concluded "person" as used in the 14th amendment does not include the unborn. The Court declined to grant fetuses the status of person because it recognized the difficulty in finding an end point to rights that the fetus might claim.

The current bill raises those same issues. In the 28 years since *Roe*, the Supreme Court has never afforded legal personhood to a fetus; and that, I would say to the gentleman from South Carolina (Mr. GRAHAM), is what the problem is about the bill; that, I would say to the gentleman from Ohio (Mr. CHABOT), is what the problem is about the bill; that, I would say to my dear chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), is what the problem is about the bill.

The gentlemen are contradicting the definition of "person" by writing it in the way that they have. That is why the gentlewoman from California had to write a substitute, because we had to get that corrected. As a matter of fact, we go further to prosecute an assailant of a pregnant woman than you do.

So, let us not talk about that being a red herring. That is what the debate is all about.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I want to thank particularly the gentleman from South Carolina (Mr.

GRAHAM) for doing an excellent job on shepherding this legislation through, as well as the chairman of our committee.

Yesterday I had a conversation in my office with a lady who is a student at Georgetown University; and I thought, well, I will just ask her her view of this legislation. I said, have you looked at this, the Unborn Victims of Violence Act? She said she had.

I said what is your view on it? She said she supported it. I said are you pro-choice or pro-life? She said I am pro-choice.

So here is a pro-choice lady, a student at Georgetown University, very thoughtful, who recognized the importance of protecting women by extending the protection in this instance to the loss of the unborn child.

I asked her why, and she explained it particularly in those words, that there is nothing more important whenever you have someone commit a violent act against a pregnant woman than that they be held accountable for all of the loss that occurs.

I think this is a thoughtful person. I think she describes where we should be able to come together, whether it is pro-choice or pro-life, that this is something we should be able to unite together on.

I believe it simply follows the leads of a variety of States that have already given legal protection in the circumstance where a pregnant woman is attacked and there is the loss of the unborn child. Arkansas is a great example of that.

Many people have referred to the case of Shawana Pace. It was my nephew, Representative Jim Hendren, who sponsored the fetal protection law in the Arkansas General Assembly, and I am thankful that was passed, because that law allowed the perpetrators of the violence against Shawana Pace to be prosecuted.

It was simply an assault upon her, but it was the intentional death of that unborn child, literally days before that child was born, with the words saying, "Today, your child will die." It was an intentional act. Other than under the fetal protection law, they could not have been prosecuted. So I think it does credit to the women.

The argument is made here that well, we are not fully supporting the Violence Against Women Act. I just want to tell my colleagues I have written to the appropriators and asked them to fully fund the Violence Against Women Act. I joined in the news conference for that purpose. I think it is very important, and you are right to raise the level of attention to the importance of the Violence Against Women Act. We need to join together. But that should not be a reason not to support this legislation.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. HUTCHINSON. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I want to congratulate the gentleman on his